

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA AVIKAIDA ISRAEL,

Plaintiff,

v.

RABBI SHMARY, et al.,

Defendants.

No. 2:21-cv-0262-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 25, 2021, the court informed plaintiff that he could either proceed on certain claims against defendant Shmary or amend his complaint. ECF No. 7. On April 8, 2021, plaintiff notified the court that he intended to file an amended complaint so that he could identify various “Doe” defendants. ECF No. 11. Plaintiff also sought a 90-day extension of time to do so. *Id.*

The court will grant plaintiff the extension of time. Plaintiff may proceed with his claims against Shmary and later move to amend the complaint if he subsequently learns (through discovery or otherwise) the identities of any Doe defendants whom he wishes to serve.

Accordingly, it is ORDERED that:

1. Within ninety days from the date of service of this order, plaintiff shall either file an amended complaint or return the notice below advising the court that he elects to

1 proceed with the cognizable claims. If the latter option is selected and returned, the
2 court will enter an order directing service at that time.

3 2. Failure to comply with any part of this this order may result in dismissal of this action.

4 3. The Clerk of the Court shall terminate ECF No. 11.

5 DATED: April 16, 2021.

6 

7 EDMUND F. BRENNAN

8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA AVIKAIDA ISRAEL,

Plaintiff,

v.

RABBI SHMARY, et al.,

Defendants.

No. 2:21-cv-0262-EFB P

NOTICE

In accordance with the court's order, plaintiff hereby elects to:

_____ proceed only with the First Amendment freedom of religion claim and official capacity RLUIPA claim for declaratory relief against defendant Shmary.

Plaintiff

Dated: